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 Lincoln General Insurance Company  
 Pro IS, Inc.  
 Walshire Assurance Company  
 Kingsway Financial Services, Inc.  
 Kingsway America, Inc.

**UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

LILLIAN GRADILLAS;CHRIS  
 GRADILLAS, individually and as assignees,  
 ASSIGNEES OF KENNETH NWADIKE, Jr.  
 D/B/A AMERICA BUS LINE,

Plaintiffs,

v.

LINCOLN GENERAL  
 INSURANCECOMPANY; PRO  
 INSURANCE SOLUTION LIMITED; PRO  
 IS, INC.; WALSHIRE ASSURANCE  
 COMPANY; KINGSWAY FINANCIAL  
 SERVICES, INC.; TAWA, PLC;  
 LGIC HOLDINGS, KINGSWA AMERICA,  
 INC.

Defendants.

) Case No. 3:12-cv-03697-CRB

) **JOINT STIPULATION FOR APPROVAL**  
 ) **OF SUPERSEDEAS BOND AND FOR**  
 ) **STAY OF EXECUTION OF THE**  
 ) **JUDGMENT UNDER FED. R. CIV. P. 62**

) Hearing Date: [none]  
 ) Judge: Hon. Charles R. Breyer  
 ) Courtroom: 6, 17<sup>th</sup> Floor  
 ) Time: [none]

1 Defendant Lincoln General Insurance Company ("Lincoln General") and Plaintiffs Lillian  
2 and Chris Gradillas ("Plaintiffs"), respectfully stipulate and agree to the following:

3 1. Under Rule 62(d) of the Federal Rules of Civil Procedure, execution of the Rule  
4 54(b) judgment entered by this Court on March 22, 2013 (Dkt. 107) should be stayed pending  
5 appeal upon the execution of a wire transfer of \$3,125,000.00 by Lincoln General under the  
6 instructions specified by the Clerk of the Court to serve as the posting of a supersedeas bond.

7 2. The Parties seek Court approval of the bond.

8 3. The amount of the supersedeas bond, \$3,125,000.00, is one-hundred twenty-five  
9 percent (125%) of this Court's award of the stipulated judgment (\$2.5 million) entered in the  
10 underlying matter and constitutes a reasonable and adequate amount for purposes of a  
11 supersedeas bond. *See, e.g., Ryan v. Editions Limited West, Inc.*, Case No. 06-CV-04812-PSG,  
12 2013 U.S. Dist. LEXIS 15025 (N.D. Cal. Feb. 1, 2013); *Am. Color Graphics, Inc. v. Travelers*  
13 *Prop. Cas. Ins. Co.*, No. C 04-3518 SBA, 2007 U.S. Dist. LEXIS 40600 (N.D. Cal. May 22,  
14 2007); *see also* Rule 151(d) of the Local Rules of the U.S. District Court for the Eastern District  
15 of California.  
16

17 4. The amount of the supersedeas bond is adequate to protect against Plaintiffs'  
18 interests should Plaintiffs prevail on appeal, which would potentially include their recovery of  
19 recoverable costs and post-judgment interest in addition to the judgment amount.  
20

21 5. Within five (5) business days of the Court's execution of the proposed order and  
22 upon the instructions provided by the Clerk of the Court, Lincoln General will wire transfer the  
23 amount of \$3,125,000.00 to be held as required for a supersedeas bond.  
24

25 WHEREFORE, the Parties respectfully request that this Court grant the Proposed Order.

26 Dated: April 1, 2013

27 By: /s/ Henry Su  
28 Attorneys for Defendant

Lincoln General Insurance Company  
Pro IS, Inc.  
Walshire Assurance Company  
Kingsway Financial Services, Inc.  
Kingsway America, Inc.

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By: /s/ David Poore  
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**CERTIFICATE OF SERVICE**

I am over 18 years of age and not a party to the within action. I am employed in the County of San Francisco; my business address is **Yaron & Associates, 601 California Street, Suite 2100, San Francisco, California 94108.**

On April 1, 2013, I served the within:

**JOINT STIPULATION FOR APPROVAL OF SUPERSEDEAS BOND AND FOR STAY OF EXECUTION OF THE JUDGMENT UNDER FED. R. CIV. P. 62**

**PROPOSED ORDER**

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

*TO ALL PARTIES ON THE ECF SERVICE LIST*

✕ **VIA ELECTRONIC SERVICE:** I served a true copy, with all exhibits, electronically on designated recipients through PACER. Upon completion of electronic transmission of said document(s), a receipt is issued to serving party acknowledging receipt by PACER's system. Once PACER has served all designated recipients, proof of electronic service is returned to the filing party which will be maintained with the original document(s) in our office. This service complies with CCP §101.6.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on **April 1, 2013**, at San Francisco, California.

  
**Lydia Burton**  
lbarton@yaronlaw.com

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**~~PROPOSED~~ ORDER**

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This matter is before the Court on Defendant Lincoln General Insurance Company's and Plaintiffs Lillian and Chris Gradillas' Joint Stipulation For Approval of the Supersedeas Bond and for Stay of Execution of the Judgment. Upon consideration of all matters properly before the Court and pursuant to Stipulation, the Court approves the bond and the execution of the judgment in this matter will be stayed pending appeal upon the posting of a supersedeas bond by Lincoln General in the amount of \$3,125,000.00.

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Date: April 5, 2013

By: \_\_\_\_\_

Hon. Charles R. Breyer

